

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**MARICEL FORTEZA,**

Plaintiff,

v.

**VEHICLE SERVICE DEPARTMENT,  
et al.,**

Defendants.

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Civil Action No. **3:23-cv-874-L-BN**

**ORDER**

The Findings, Conclusions and Recommendation of the United States Magistrate Judge David Horan (“Report”) (Doc. 30) was entered on April 22, 2024, recommending that the court grant Defendant Sing for Service, LLC d/b/a Mepco’s (“Defendant”) Motion to Dismiss (“Motion”) (Doc. 21), filed September 26, 2023, and dismiss this lawsuit without prejudice under Federal Rules of Civil Procedure 12(b)(6) (“Rule 12(b)(6)”) and 41(b) (“Rule 41(b)”) and Northern District of Texas Local Civil Rule 55.1 (“Local Rule 55.1”). For the below stated reasons, the court **accepts** the Report and **dismisses without prejudice** Plaintiff Maricel Forteza’s (“Plaintiff”) claims.

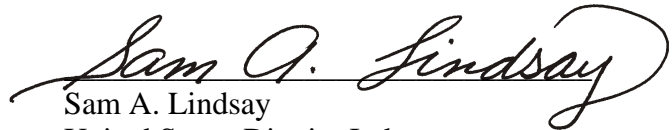
Plaintiff filed this case *pro se* on April 25, 2023, alleging that multiple defendants violated the Telephone Consumer Protection Act (“TCPA”), a related federal regulation, and provisions of Texas law. Doc. 3. This action was referred to the magistrate judge for pretrial management under 28 U.S.C. § 636(b) and a standing order of reference (Doc. 25). After serving Defendants, Plaintiff was repeatedly ordered to prosecute this case. *See* Docs. 22 & 24 (ordering Plaintiff to respond to Defendant’s Motion); Doc. 27 (ordering Plaintiff to move for entry of default against the non-

appearing Defendants or explain why those Defendants are not in default). Plaintiff was also repeatedly warned that failure to comply with the court's orders would result in dismissal.

Plaintiff, however, failed to comply with the court's orders and has not filed anything in this case for over six months. Plaintiff has offered no explanation or excuse as to her failures to comply with the court's order. Plaintiff is solely to blame for her failures. The magistrate judge explicitly warned Plaintiff that her failure to comply might result in dismissal without prejudice of her claims. Despite this warning, Plaintiff did not comply and has not made any attempts to contact the court. The magistrate judge also filed this Report over a month ago, and Plaintiff did not file any objections. In addition to concluding that this case should be dismissed pursuant to Rule 41(b) and Local Rule 55.1, the Report also concluded that Plaintiff's complaint, for the most part, "contains only vague generalizations," and therefore should be dismissed pursuant to Rule 12(b)(6).

Having considered the Complaint, Motion, Report, file, record, and relevant law, the court determines that the magistrate judge's finding and conclusions in the Report are correct and **accepts** them as those of the court. Accordingly, the court **grants** Defendant's Motion; **dismisses without prejudice** Plaintiff's claims against it pursuant to Rule 12(b)(6); and **dismisses without prejudice** all of Plaintiff's claims pursuant to Rule 41(b) and Local Rule 55.1.

**It is so ordered** this 6th day of June, 2024.

  
Sam A. Lindsay  
United States District Judge